

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-50188-659 Chapter 13
DIANA SHERL GIER)
) Trustee's Objection to Confirmation
)
) Original confirmation hearing
Debtor(s)) set for Oct 28, 2010 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Debtor proposes to make payments other than home mortgage or mobile home payments outside the plan. 11 U.S.C. Secs. 1322 & 1325
2. Paragraph 5C lacks the interest rate required in all cases.
3. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
4. The plan fails to pay the full attorney fee owed per the 2016(b) form.
5. Attorney Fee Election form has not been filed.
6. Debtor lacks sufficient income to fund the plan.
7. The set monthly payments to be made by the Trustee exceed the plan payment.
8. Per schedules I and J, monthly expenses exceed monthly income such that debtor is not able to make plan payments. 11 U.S.C. Section 1325(a)(6). If debtor does make plan payments, schedules I and J must be significantly incorrect and should be amended.
9. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
A. PLAN FAILS TO ADDRESS POST PETITION MORTGAGE PAYMENTS IN 3D AND CONTAINS INSUFFICIENT FUNDS TO PAY THIS DEBT IN FULL.
B. 5B AND 5C LACK INTEREST RATE 96.31%).
10. A.RE #1 BUDGET INCLUDES AUTO INSTALLMENT.
B.SCHEDULE C APPLIES HOMESTEAD EXEMPTION TO NONRESIDENCE.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

John V LaBarge Jr

Copy served on the following either
through the Court's ECF system or by P.O. Box 430908
ordinary mail on October 28, 2010 : St. Louis, MO 63143 (314) 781-8100
trust33@chl3stl.com Fax: (314) 781-8881

RIBAUDO LAW FIRM
1407 LAKESHORE DR
ST CHARLES MO 63303

DIANA SHERL GIER
7 RACINE COURT
LAKE SAINT LOUIS MO 63367

